



SANDY SPRINGS
GEORGIA

P&Z STAFF REPORT

Board of Appeals Meeting, July 14, 2020

Case: **V20-0020 – 5695 Cross Gate Dr NW**
Staff Contact: Madalyn Smith (msmith@sandyspringsga.gov)
Report Date: June 24, 2020

REQUEST

Request for a Variance from Sec. 6.1.2.B. to allow a roof to encroach into the rear setback at 5695 Cross Gate Drive.

APPLICANT

Property Owner: Dr. Leli G. Matthews	Petitioner: Deck South Inc. (contact: J. Lamar Lea)	Representative: n/a
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SUMMARY

The applicant requests a Variance to allow a roof to encroach into the rear setback by 17' 6" as part of the teardown and replacement of an old deck into a covered deck. Staff does not recognize a hardship or extraordinary conditions due to the size, shape, or topography of the lot.

RECOMMENDATION

Department of Community Development

Staff recommends **Denial** of **Variance** V20-0022.

MATERIALS SUBMITTED AND REVIEWED

Materials:

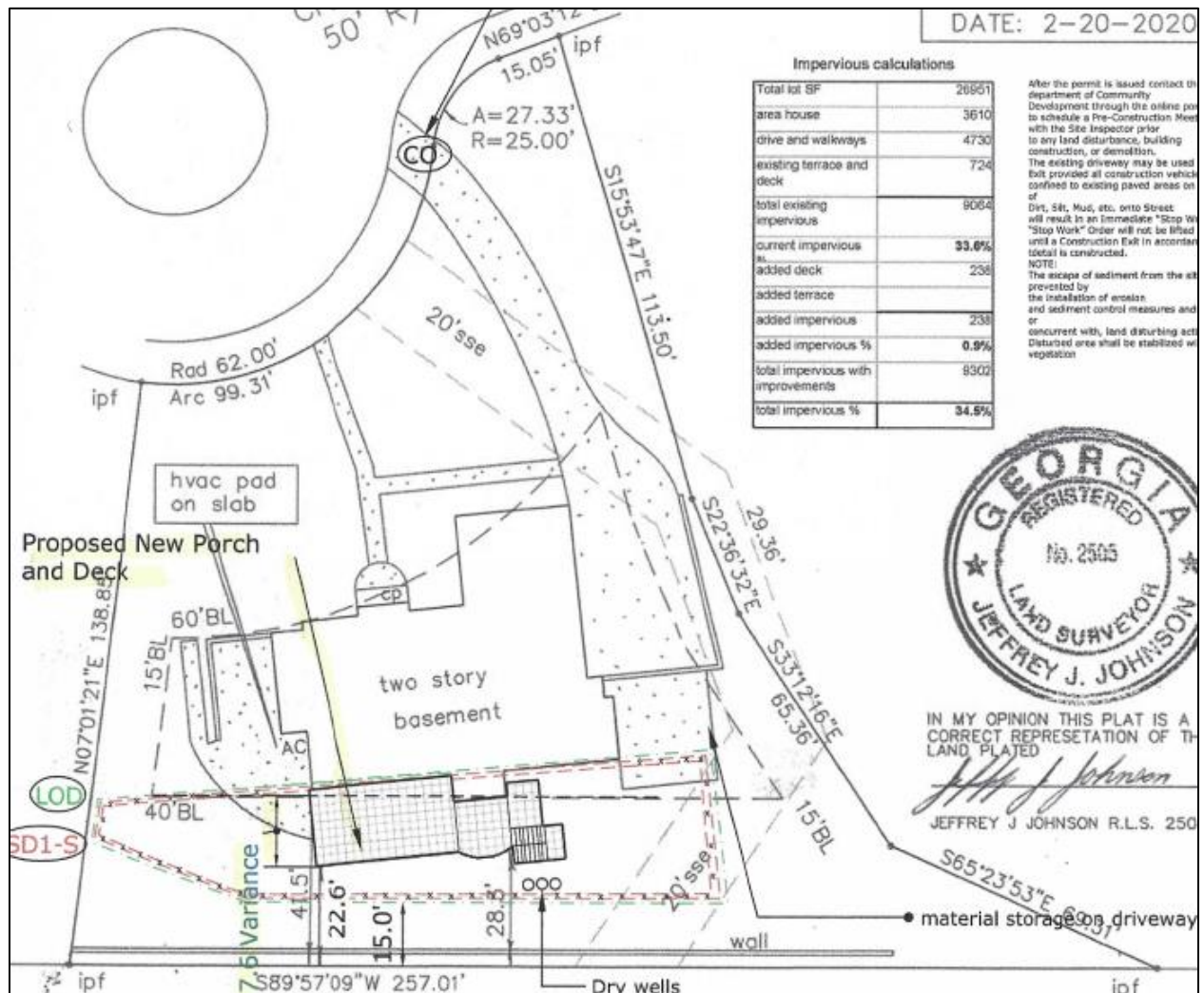
1. Application, received May 27, 2020
2. Letter of support from neighbor

Plans:

1. Site plan prepared by Decksouth, Inc, received May 27, 2020

PROPERTY INFORMATION	
Location:	5695 Cross Gate Drive (Parcel ID # 17 012200050101)
Council District:	6—Bauman
Road frontage:	Approximately 145 feet of frontage on Cross Gate Drive
Acreage:	Approximately .62 acres
Current Zoning:	RD-27 (Residential Detached)
Existing Land Use:	Single unit detached
Previous Zoning Case/Cases:	N/A
Character Area:	Protected Neighborhood

SITE PLAN (received May 27, 2020) (full size Site Plan in Package)



PROPOSED DEVELOPMENT

The subject lot is part of the Rose Hill subdivision, located off Long Island Drive, and is developed with a single-unit detached house with a deck to the rear. The existing lot, house, and accessory structures pre-date the City's Development Code requirements.

The existing deck, currently uncovered, is aging and in need of replacement. Upon replacement of this deck, the property owner proposes to add a roof. While the Code allows an uncovered deck to encroach into the rear setback, a covered deck is not permitted thus precipitating the variance request. The roof of the deck is proposed to encroach a maximum of 17' 6" into the rear setback, which is 14' 6" greater than what is allowed.

The following images show the existing conditions of 5695 Cross Gate Drive.

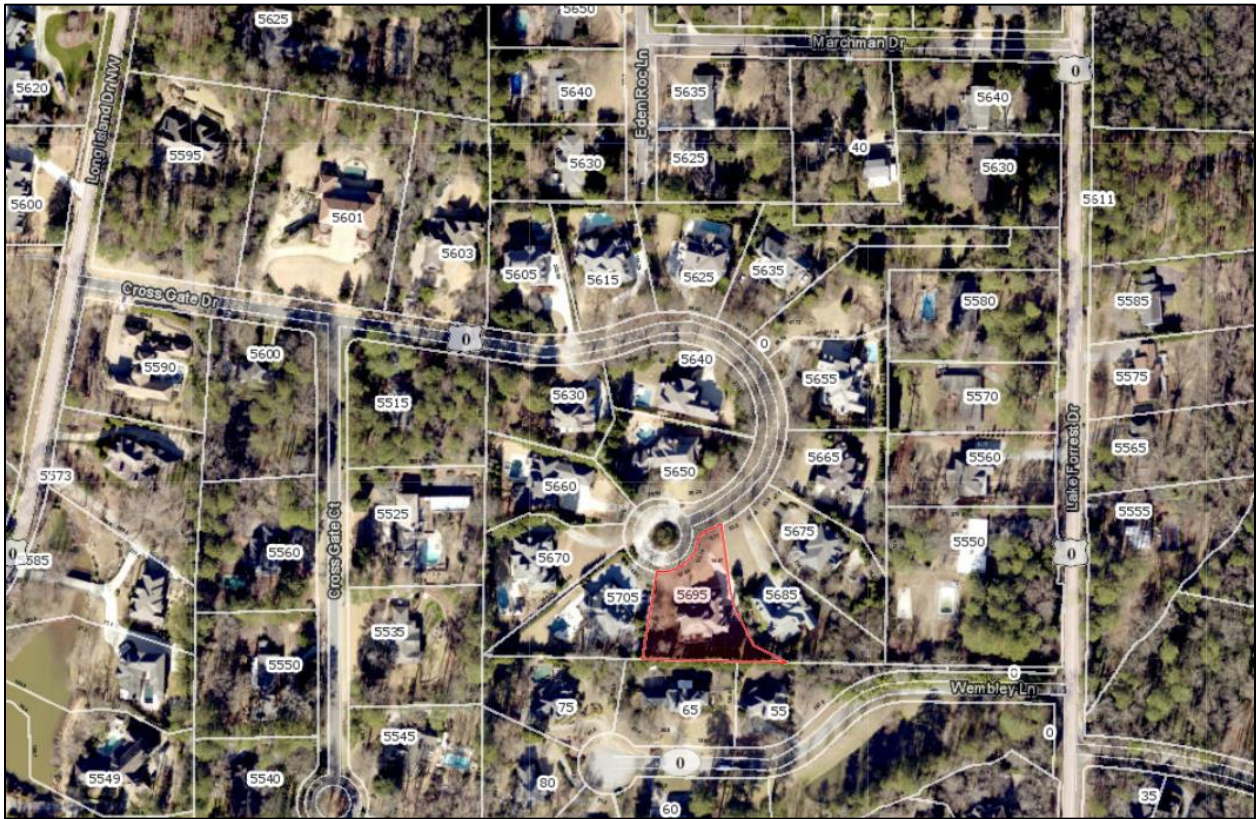




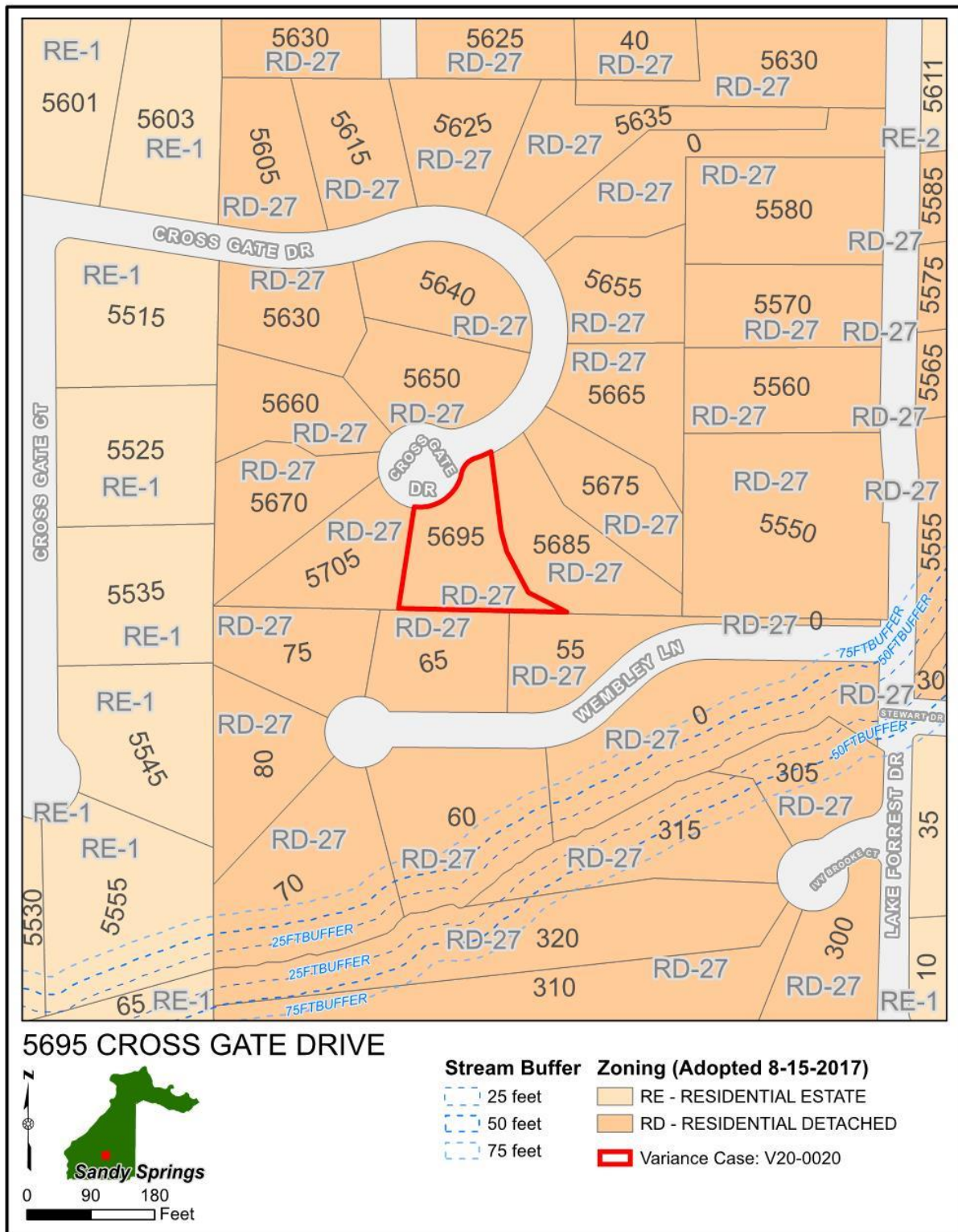
(All photographs by Madalyn Smith, June 19, 2020)

EXISTING ZONING AND LAND USES OF PROPERTY IN THE VICINITY			
Location relative to subject property	Zoning / Land use	Address(es)	Land area (acres) (approximate)
North	Residential Detached (RD-27) / Single Unit Detached	5650 CROSS GATE DR	.62
East	Residential Detached (RD-27) / Single Unit Detached	5685 CROSS GATE DR	.66
South	Residential Detached (RD-27) / Single Unit Detached	65 WEMBLEY LN	.63
West	Residential Detached (RD-27) / Single Unit Detached	5705 CROSS GATE DR	.66
PROPOSED DEVELOPMENT			
--	Residential Detached (RD-27) / Single Unit Detached	5695 CROSS GATE DR	.62

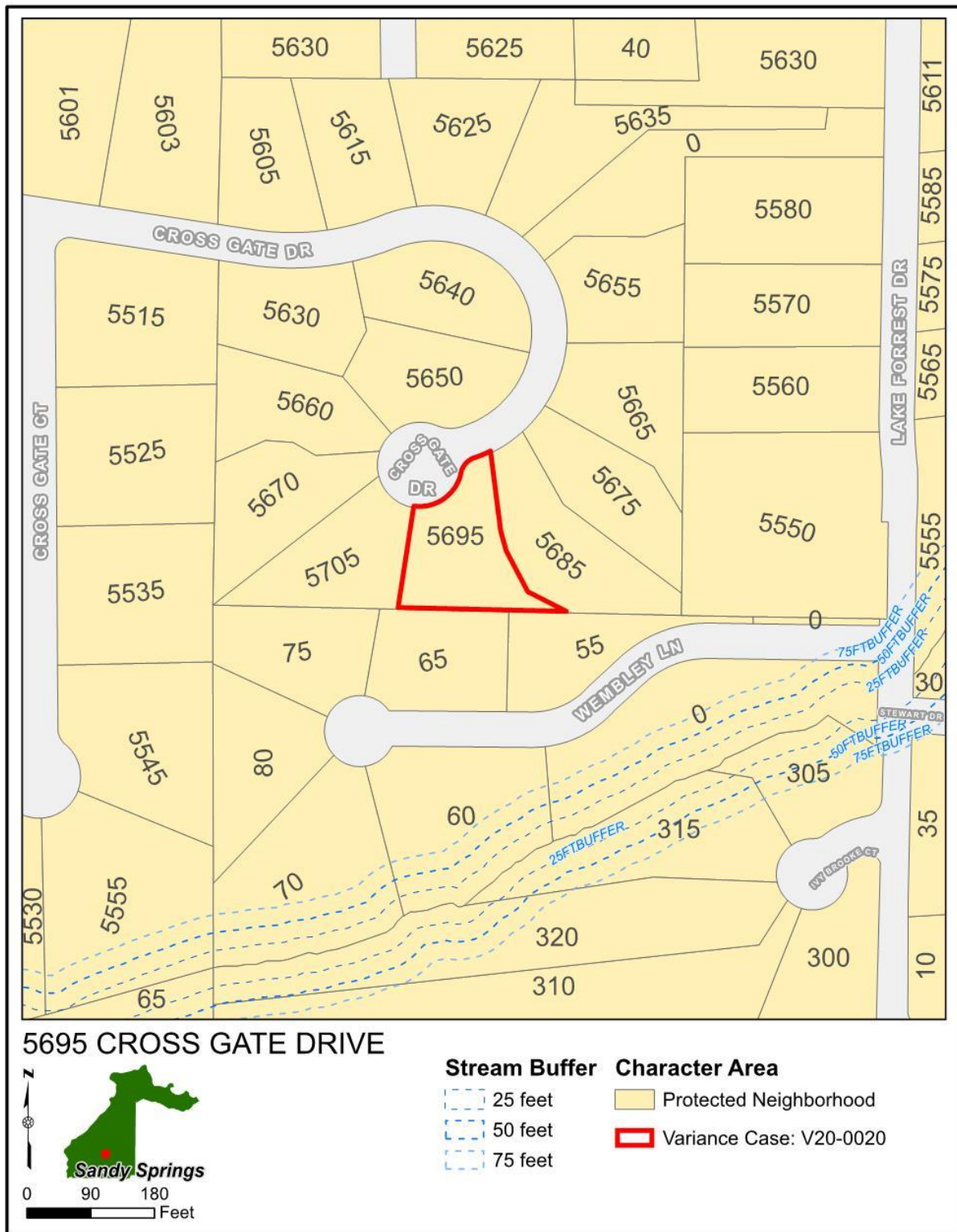
AERIAL IMAGE



ZONING MAP



CHARACTER AREA MAP



VARIANCE CONSIDERATIONS

Per Sec. 11.3.6.G. of the Development Code, the following list of approval criteria for a Variance provides guidance for making decisions on approval:

1. Variances will only be granted upon showing that:

- a. The application of this Development Code would create an unnecessary hardship, and not merely an inconvenience to the applicant; or**
- b. There are extraordinary and exceptional conditions due to the size, shape, or topography, which are specific to the subject property and not generally found in similar properties;**

Finding: It is Staff's view that there is no hardship; reasonable use and enjoyment of the property can still be had with or without a covered deck. There are many homes in the surrounding area that have covered and enclosed patios and decks, however it is likely that these either meet the required setbacks or are legal nonconforming.

The subject property is approximately 145 feet wide and has a total area of 27,000 SF, meeting the minimum requirements for the zoning district. The maximum depth of the lot is approximately 165 feet, which is the shallowest out of any other lots in the subdivision. However, Staff does not find this to be an extraordinary or exceptional condition. The property is able to accommodate the primary structure and an unenclosed deck.

2. Further, the application must demonstrate that:

- a. Such conditions are not the result of action or inaction of the current property owner; and**

Finding: Conditions on the property are not the result of action or inaction of the current property owner.

- b. The Variance request would provide the minimum relief necessary to make possible the reasonable use of the property; and**

Finding: There is a 60 foot front setback and 40 foot rear setback, and the depth of the buildable area varies from 36 feet to 100 feet deep. The existing home encompasses most of the buildable area and currently matches the character of the surrounding homes. The property also has an existing uncovered deck that can be replaced and upgraded. Staff believes that reasonable use of the property exists without the granting of a variance.

- c. The Variance request would result in development that is consistent with the general intent of this Development Code, with the Comprehensive Plan policies, and would not be detrimental to the public good, safety and welfare.**

Finding: Staff finds that the presence of a covered deck in the rear yard would be consistent with the general intent of the Development Code, which seeks to encourage reinvestment in established neighborhoods. There are covered and enclosed decks on most properties in the neighborhood and the property owner has received the support of the HOA. Staff does not believe that an enclosed deck would be harmful to the public.

COMMENTS FROM OTHER PARTIES

Correspondence Received:

The property owner submitted a letter of support from the HOA as part of their application.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION
<p>While it is Staff's belief that there would not be harm in granting Variance V20-0022, to allow a roof to encroach into the rear setback, Staff does not recognize any hardship or extraordinary conditions due to the size, shape, or topography of the lot and therefore recommends denial of the request.</p> <p>Should the Board of Appeals grant the request, Staff would recommend that the variance match the proposed dimensions in the "Site Plan" prepared by Decksouth, Inc, received by Staff May 27, 2020</p>



Received:
05/27/2020
City of Sandy Springs
Community Development Department

VARIANCE APPLICATION

(Excludes Stream Buffer Variances)

Application Checklist:

Page No.	Item	Completed/ Included in Submittal
1	Project Information Sheet	<input checked="" type="checkbox"/>
2-3	Detailed Process and Instructions	N/A
4-5	Authorization Forms	<input checked="" type="checkbox"/>
6	Letter of Intent	<input checked="" type="checkbox"/>
6-7	Variance Analysis	<input checked="" type="checkbox"/>
7	Chattahoochee River Corridor Certificate	<input type="checkbox"/> or N/A <input type="checkbox"/>
7-8	8½" x 11" copy of Survey	<input checked="" type="checkbox"/>
7-8	8½" x 11" copy of Site Plan	<input checked="" type="checkbox"/>
7-8	11" x 17" copy of Survey	<input type="checkbox"/>
7-8	11" x 17" copy of Site Plan	<input type="checkbox"/>
7-8	Two (2) full-scale copies of Survey	<input type="checkbox"/>
7-8	Two (2) full-scale copies of Site Plan	<input type="checkbox"/>
7	8½" x 11" copy of Legal Description (must be in Word format)	<input checked="" type="checkbox"/>
	11" x 17" copy of Elevations and/or Sections	<input type="checkbox"/> or N/A <input type="checkbox"/>
9	Meeting Schedule	N/A
9	Fee Schedule	N/A
10	Sign Specifications	N/A
9	Fee Payment	<input type="checkbox"/>
	All documents in electronic form (jump drive)	<input checked="" type="checkbox"/>

The Director reserves the right to request additional information deemed necessary to analyze the request. Incomplete applications will not be accepted.

Planner's initials: _____



SANDY SPRINGS™
GEORGIA

Case No.: _____
Planner's initials: _____

PROJECT INFORMATION SHEET

PROPERTY	Address(es): 5695 CROSS GATE DR NW SANDY SPRINGS 30327	
	Parcel Tax ID: 17012200050101	
	Land Lot(s): 122	Land District(s): 17
	Total acreage: .62	Council district: 6
	Current zoning: RD 27	Current use: RESIDENTIAL
	Character Area: PROTECTED NEIGHBORHOOD	

APPLICATION	Detailed request (include Ordinance/Code Section No.):	
	HOMEOWNER IS REQUESTING A VARIANCE TO THE REQUIREMENTS OF SEC 6.1.2.B OF THE DEVELOPMENT CODE TO ENCRANCH INTO REAR SETBACK WITH A COVERED DECK FROM THE ALLOWABLE 3' TO 17'6".	
	Petitioner:	DECK SOUTH INC by J. LAMAR USA FOR HOMEOWNER
	Petitioner	[REDACTED]
	Phone:	[REDACTED]

OWNER	Property owner:	DR. LELI G. MATTHEWS
	Owner's address:	5695 CROSS GATE DR NW SANDY SPRINGS, GA 30327
	Phone:	[REDACTED]
	Signature (authorizing initiation of the process):	[REDACTED]
If the property is under contract, provide a copy of the contract		

- TO BE FILLED OUT BY P&Z STAFF -

Pre-application meeting date:	Anticipated application date:
Anticipated BOA date:	
ADDITIONAL INFORMATION NEEDED:	

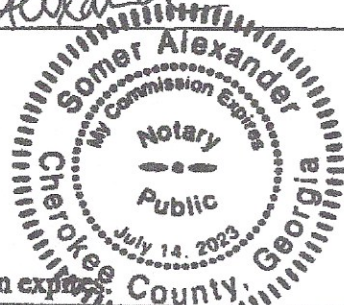


SANDY SPRINGS

GEORGIA

AUTHORIZATION FORM - PART I

A- The property owner must fill out the following section and have it notarized. If a property has multiple owners, each owner must separately fill out a copy of the authorization form.

Owner states under oath that he/she is the owner of the property described in the attached legal description, which is made part of this application.	
Owner's name: <u>LELI G. MATTHEWS</u>	Sworn and subscribed before me this <u>23rd</u> day of <u>May</u> 20 <u>20</u> Notary public: <u>Somer Alexander</u> Seal:  Commission expires: _____
Address: <u>5695 CROSS COTE DR NW</u>	
City, State, Zip Code: <u>SANDY SPRINGS, GA 30327</u>	
Email address: [REDACTED]	
Phone number: [REDACTED]	
Owner's signature: <u>[Signature]</u>	

B- If the applicant is *not* the owner of the subject property:

Fill out the following section, check the appropriate statement, and have it notarized.

Applicant states under oath that:	
<input type="checkbox"/> He/she is the executor or Attorney-in-Fact under a Power-of-Attorney for the owner (attach a copy of the contract); or	
<input type="checkbox"/> He/she has an option to purchase the subject property (attach a copy of the contract); or	
<input type="checkbox"/> He/she has an estate of years which permits the applicant to apply (attach a copy of the lease)	
Applicant's name:	Sworn and subscribed before me this ____ day of _____ 20____ Notary public: _____ Seal: Commission expires: _____
Company name:	
Address:	
City, State, Zip Code:	
Email address:	
Phone number:	
Applicant's signature:	

**SANDY SPRINGS**
GEORGIA**AUTHORIZATION FORM - PART II**

C- If an agent or attorney will represent the owner and/or the applicant:
Fill out the following section and have it notarized.

Agent's name:	J. LAMAR LEA
Company name:	DECK SOUTH INC
Address:	[REDACTED]
City, State, Zip:	[REDACTED]
Email address:	[REDACTED]
Phone number:	[REDACTED]
Agent's signature:	[Signature]
Applicant's signature:	[Signature]

Sworn and subscribed before me this	
2 nd day of	May 20 20
Notary public:	
[Signature]	
Seal:	
Commission Expires:	

LETTER OF INTENT

May 22, 2020

RE: 5695 CROSS GATE DR NW

To the BOARD OF APPEALS:

The homeowner is seeking a variance for the purpose of replacing their existing deck and stairs, (built in '96), with a new covered deck and stairs. Required variance is due to the existing deck being non-conforming as the rear setback of 40' results in the current deck encroaching in the rear setback by 16 ½ ft. Adding the proposed roof will result in a 17 ½ ft encroachment.

The homeowner is in an area of estate size homes ranging in size from 6000 -10,000 sf living space. There are 16 homes on this street in this style and size.

No alternative was explored since the only possibility would be to build on the side and this option would not meet the HOA standards in this neighborhood.

We respectfully ask for your approval.

VARIANCE ANALYSIS

MAY 20, 2020

5695 CROSS GATE DR NW

While this lot (#8) does enjoy approximately the same total square footage as others on their street and cul de sac, it does have some extraordinary and exceptional conditions. The west side property line is at an approximate depth of 139' and with the 60' front and 40' rear set back, this gives minimal area for the house to have anything in the back in the way of outdoor living space (ie deck/porch). The house on the west side corner sits within 1 ½' of the setback and on the east side corner within about 8' of the setback. The lot does enjoy more road frontage than others, contributing to the total lot s/f, but this give less buildable space behind the house to the rear.

The current deck is the original deck built on the house in '96, so homeowner has not contributed in any way to the dilemma that they are faced with today in wanting to upgrade their home.

Approval of this request would provide the minimum relief necessary to make reasonable use of the property and would be consistent with the general intent of the Development code and Comprehensive Plan policies and would not be a detriment to the public good, safety and welfare of the neighborhood.

Homeowners significant investment in this upgrade of the property would preserve and reinforce the unique characteristics of the neighborhood since both of the neighbors to the east (#5685 and #5675) and both to the west (#5670 and #5705), and the neighbor behind (65 Wembley Lane) ALL have covered decks with screened or open porches. (See attached pictometry images from the Fulton County Assessor). At a recent HOA meeting, homeowner made the neighbors aware of the planned upgrade to the back of their home and received favorable response from the members. The Treasurer of the HOA, has send the homeowner and e mail in favor of their project (see attached e mail from Bruce Ford).

The approval of this request would advance the function and beauty of this exceptional neighborhood as well as the city of Sandy Springs.

REFERENCE
PLAT BOOK 183 PAGE 148

survey for

Gail Matthews

JOHNSON
SURVEYING

property zoning RD-27

4545 River Parkway
Unit "13-M"
Atlanta Ga. 30339
678-557-1449

Land Lot 122
District 17
Fulton County, Ga.
City of Sandy Springs
Rosehill
Lot 8
5695 Cross Gate D

DATE: 2-20-2020 SCALE: 1"=40' JOB NO: 20-

rev. 3-23-2020; County commen

Impervious calculations

Total lot SF	26951
area house	3610
drive and walkways	4730
existing terrace and deck	724
total existing impervious	9064
current impervious %	33.6%
added deck	238
added terrace	238
added impervious %	0.9%
total impervious with improvements	9302
total impervious %	34.5%

After the permit is issued contact the Department of Community Development through the online portal to schedule a Pre-Construction Meeting with the Site Inspector prior to construction, or demolition. The existing driveway may be used as a Construction Exit provided all construction vehicles are confined to existing paved areas on Site. Any tracking of Dirt, Silt, Mud, etc. onto Street will result in an Immediate "Stop Work" Order. The "Stop Work" Order will not be lifted until a Construction Exit in accordance with the current code is constructed. NOTE: The escape of sediment from the site shall be prevented by use of erosion control measures and practices prior to, or concurrent with, land disturbing activities. Disturbed area shall be stabilized with permanent vegetation.

THE FIELD DATA WHICH THIS SURVEY IS BASED HAS A PRECISION OF ONE FOOT IN 10000+ FEET AND AN ANGULAR ERROR OF 3" PER ANGLE POINT

THE PLAT CLOSURE IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 100000+ FEET

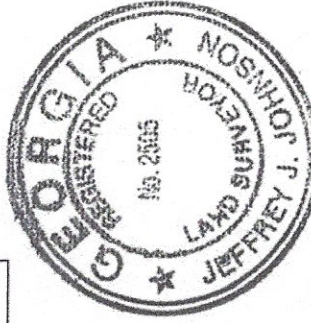
EQUIPMENT USED: Nikon-322

NO TREES IMPACTED

No material or equipment to be within CRZ of all trees

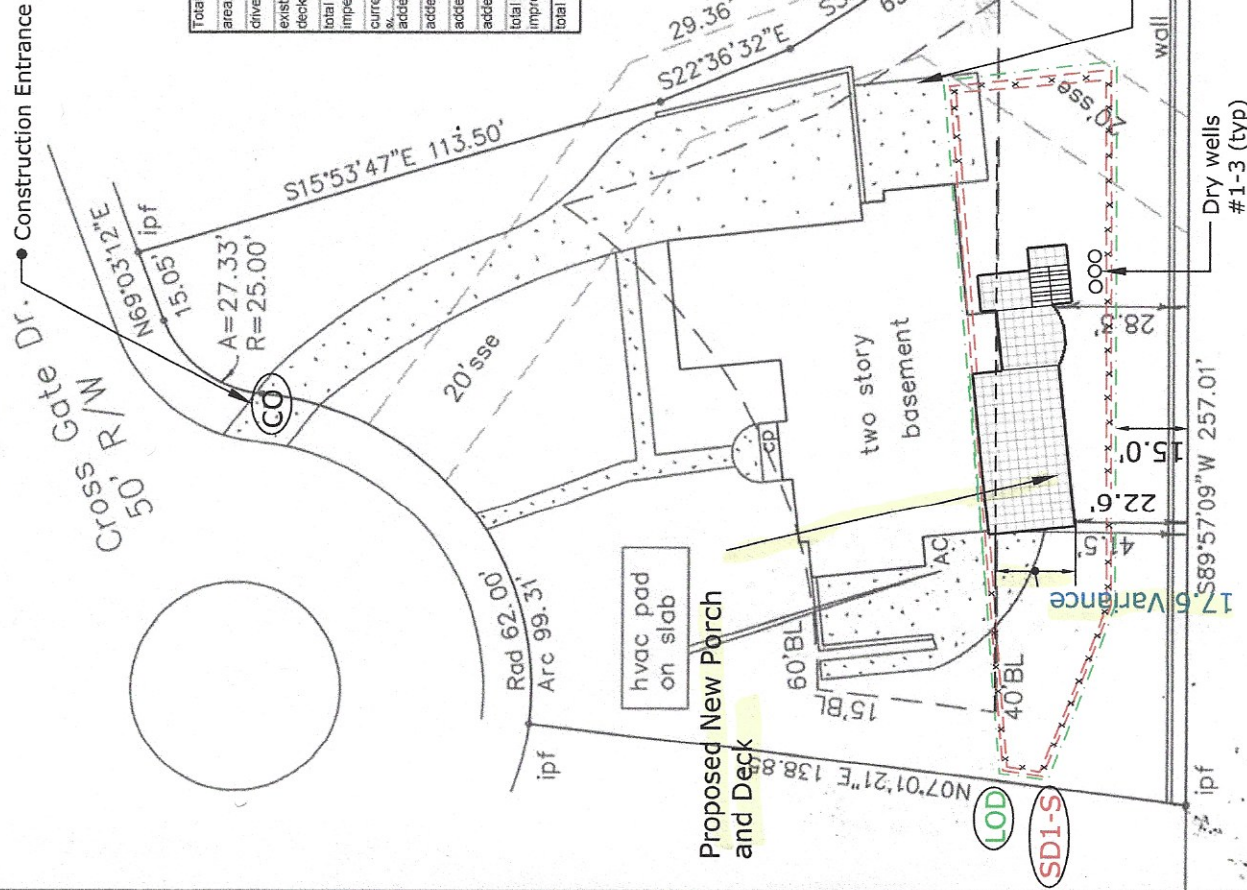
LEGEND

IPS=IRON PIN SET
IPF=IRON PIN FOUND
CL=CENTER LINE
BL=BUILDING LINE
N/F=NOW OR FORMERLY
MH=MAN HOLE
S=SANITARY
P=POWER
W=WATER
G=GAS
X=FENCE
BC=BACK OF CURB
WM=WATER METER
WV=WATER VALVE
PB=POWER BOX
GM=GAS METER
SSE=SANITARY SEWER ESM'T
DE=DRAINAGE ESM'T
ESM'T=EASEMENT
CB=CATCH BASIN
HW=HEAD WALL
DI=DROP INLET
JB=JUNCTION BOX
LLL=LAND LOT LINE



IN MY OPINION THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLAT

Jeffrey J. Johnson
JEFFREY J JOHNSON R.L.S. 2505



GRAPHIC SCALE IN FEET

RELEASED FOR CONS
24 HOUR CONTACT
JOHN LEA 770-452-3325

Gail Matthews

JOHNSON
SURVEYING

property zoning RD-27

4545 River Parkway
Unit "13-M"
Atlanta Ga. 30339
678-557-1449

Land Lot 122
District 17
Fulton County, Ga.
City of Sandy Springs
Rosehill
Lot 8
5695 Cross Gate Dr.

DATE: 2-20-2020 SCALE: 1"=40'

JOB NO: 20-24

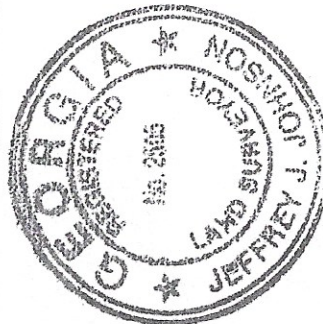
rev. 3-23-2020; County comments

total lot.....	26951 sf
house.....	3610 sf
drive\wall, front walk.....	2969 sf
rt. rear slab.....	593 sf
lt. side slab, wall.....	974 sf
deck, steps.....	724 sf
rear wall.....	194 sf
total.....	9064 sf
9064 / 26951 = 34% coverage	

THE FIELD DATA WHICH THIS SURVEY IS BASED HAS A PRECISION OF ONE FOOT IN 1000+ FEET AND AN ANGULAR ERROR OF 3" PER ANGLE POINT
THE PLAT CLOSURE IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 100000+ FEET
EQUIPMENT USED: Nikon-322

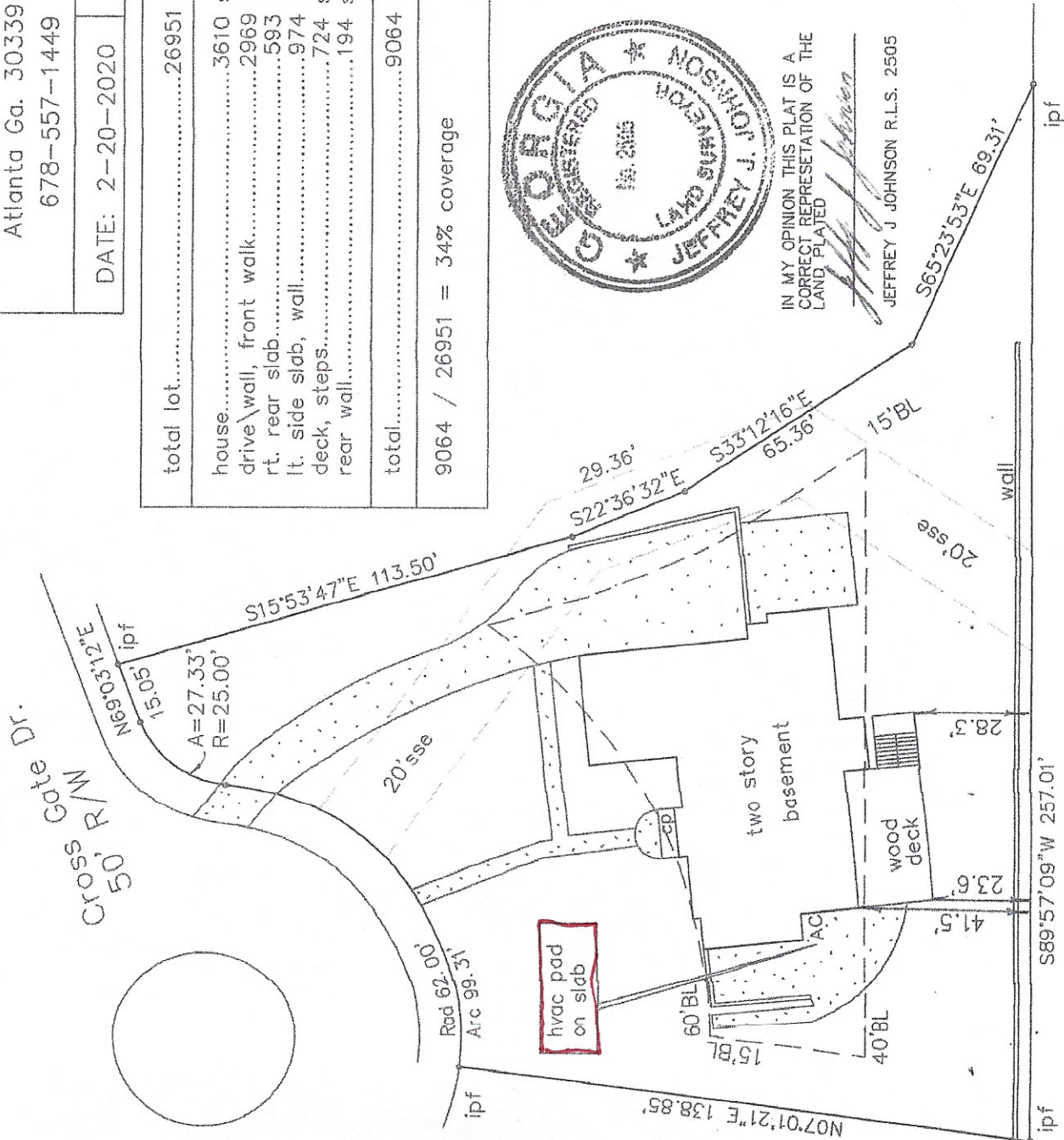
LEGEND

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ESM'T=EASEMENT
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DI=DROP INLET
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LLL=LAND LOT LINE

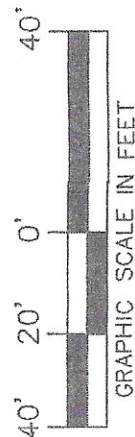


IN MY OPINION THIS PLAT IS A
CORRECT REPRESENTATION OF THE
LAND PLATED

JEFFREY J. JOHNSON R.L.S. 2505



MAG



LEGAL DESCRIPTION

All that track or parcel of land lying and being in Land Lot 122, of the 17th District of Fulton County, more particularly described as follows:

Commencing at the Southeast corner of lot 8, Rosehill subdivision, plat book 183 page 148

THENCE South 89 degrees 57 minutes 09 seconds west for a distance of 257.01 feet to a ipf

THENCE North 07 degrees 01 minutes 21 seconds East for a distance of 138.85 feet to a ipf

THENCE along a curve to the left having a radius of 62.00 feet and an arc length of 99.31 feet, being subtended by a chord of North 50 degrees 57 minutes 09 seconds East for a distance of 89.03 feet to a point

THENCE along a curve to the right having a radius of 25.00 feet and an arc length of 27.33 feet, being subtended by a chord of North 37 degrees 02 minutes 15 seconds East for a distance of 25.99 feet to a point

THENCE North 69 degrees 03 minutes 12 seconds East for a distance of 15.05 feet to a ipf

THENCE South 15 degrees 53 minutes 47 seconds East for a distance of 113.50 feet to a point

THENCE South 22 degrees 36 minutes 32 seconds East for a distance of 29.36 feet to a point

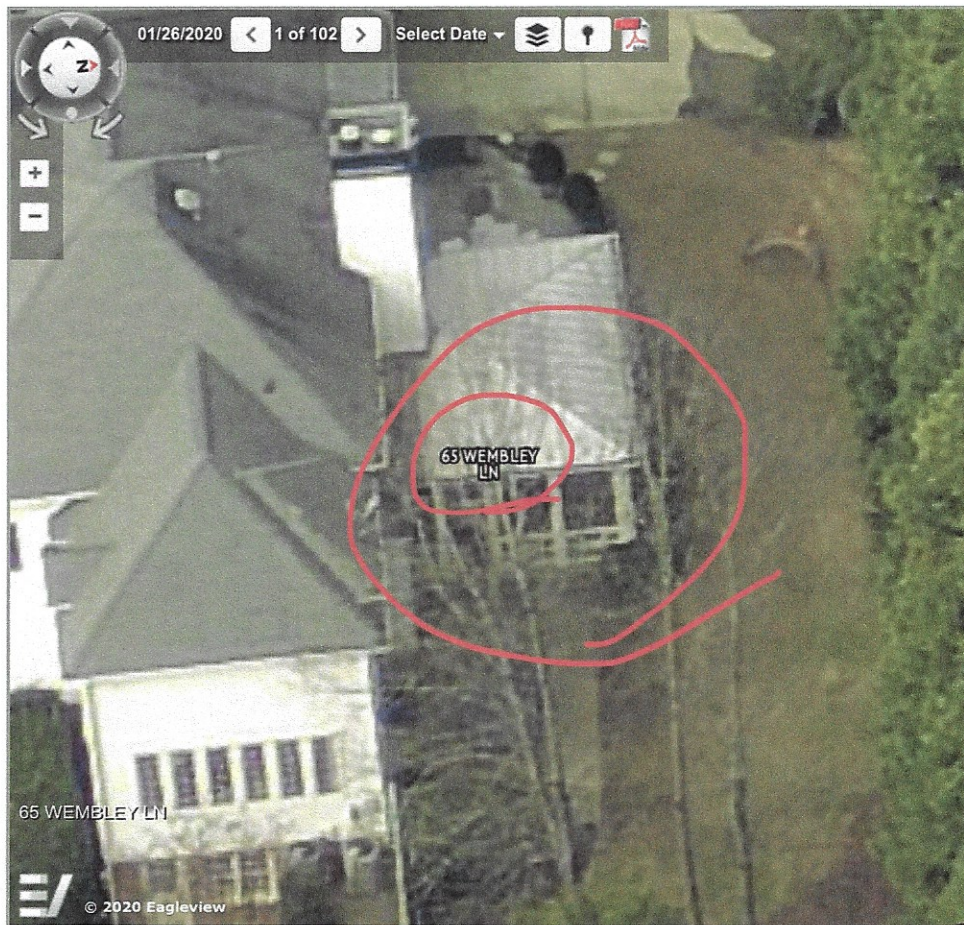
THENCE South 33 degrees 12 minutes 16 seconds East for a distance of 65.36 feet to a point

THENCE South 65 degree 23 minutes 53 seconds East for a distance of 69.31' to a ipf, Being the Point of Beginning

Together with and subject to covenants, easements, and restrictions of record.



Pictometry



⊞ Contact Information

⊞ Announcements

The Fulton County Assessor makes every effort to produce the most accurate information possible. No warranties, expressed or implied are provided for the data herein, its use or interpretation. The assessment information is from the last certified tax roll. All other data is subject to change.

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Developed by
 **Schneider**
GEOSPATIAL





Pictometry



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Developed by

 **Schneider**
GEOSPATIAL

Version 2.3.57



Support for deck remodel/replacement

Tue, May 12, 2020 at 4:26 PM

To whom it may concern,

I am the owner of the residence located at [5705 Cross Gate Drive, Atlanta GA 30327](#). Our neighbor, Gail Matthews, located immediately adjacent to our home, has informed of us their intent to replace the decking at their home. We fully support this project as it will enhance our neighborhood with continued property investment.

We have a covered and fenced in deck at our home as well.

Sincerely Bruce Ford.